

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

NORMAN J. SMITH

No. 3:09-00064

WILLIAM J. HAYNES, JR.

Chief Judge, U.S. District Court

NORMAN J. SMITH'S MOTION AND INCORPORATED
MEMORANDUM TO CONTINUE TRIAL

COMES now the accused, NORMAN J. SMITH, through counsel, Assistant Federal Public Defender, Isaiah S. Gant, and moves this Honorable Court to enter an order continuing the trial in this matter presently scheduled for Tuesday, March 4, 2014, at 9:00 a.m. In support of the foregoing motion, it is respectfully represented to this Honorable Court the following:

1. The trial of Mr. Smith's case is scheduled to commence Tuesday, March 4, 2014, at 9:00 a.m. Counsel for Mr. Smith is not in a position to proceed to trial on that date.

2. The Sixth Amendment right to counsel guarantees more than that Mr. Smith should have a lawyer. It assures "effective aid in the preparation and trial of the case. *Powell v. Alabama*, 287 U.S. 45, 71 (1932); see *Strickland v. Washington*, 466 U.S. 668, 684-88 (1984). "[T]he essential aim of the [Sixth] Amendment is to guarantee an effective advocate for each criminal defendant . . .," *Wheat v. United States*, 486 U.S. 153 (1988), and the Amendment is violated when defense counsel is required to operate under circumstances that render his or her services ineffective, *Ferguson v. Georgia*, 365 U.S. 570 (1961); *Brooks v. Tennessee*, 406 U.S. 605 (1972).

ORDER
This motion
is GRANTED in
the interests of
justice to allow
new defense
counsel to
be prepared
for
trial.
Will J. Haynes
USDC
2-28-14